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SUBJECT: PART TWO OF TWO -- BIOLOGICAL WEAPONS CONVENTION
DETAILS: MEETING OF EXPERTS ON BIOSAFETY, BIOSECURITY AND
PROFESSIONAL RESPONSIBILITY IN THE LIFE SCIENCES, AUGUST
18-22, 2008

REF: REF A: STATE 088219 REF B: GENEVA 719

BEGINING OF TEXT OF PART TWO OF TWO

Bilaterals

138. (SBU) DAS Ken Staley met with Pakistani Ambassador and Permanent Representative to the UN in Geneva, Masood Khan, to discuss the Biological Weapons Convention Meeting of Experts and the work of States Parties. (Ambassador Khan served as the Chairman of the Biological Weapons Convention Review Conference in 2006 and the Chairman of the Experts Meeting and Conference of States Parties in 2007. Ambassador Khan noted the progress that had been made by States Parties over the past two and a half years and expressed enthusiasm for the Work Program and continued, increased collaboration among the scientific community, NGOs and States Parties. Khan reiterated his own personal commitment to the BWC and noted that he was still involved in a process within the Pakistani Government to complete BWC Confidence Building Measures. Dr. Staley noted that the United States is actively involved in helping to build biocapacity in Pakistan and has developed a number of successful collaborations among Pakistani-American and other regional scientists that are contributing to increased biosecurity. Dr. Staley added that the U.S. is interested in further engaging with Pakistan on BWC-related affairs; Ambassador Khan was enthusiastic about increased collaboration and offered to serve as an interlocutor between the U.S. and Pakistan based on his previous (and some ongoing) work. Ambassador Khan then added that a logical first step in order to facilitate a dialogue was to invite a delegation of key Pakistani bioscience figures to Washington for bilateral consultations in the near future.

¶39. (SBU) China bilateral. Alternate Del head Staley met with Chinese CD del deputy Li to express interest in another round of bilateral BWC discussions in capitals. He thought that October (in Beijing) might be appropriate. Staley said that we had appreciated the serious way in which China had approached the February 2008 bilaterals in Washington, including bringing experts from the health and agriculture ministries. He said the U.S. would like to continue the comparison of legislation and regulations of both sides. He also suggested that the two sides jointly develop a two-three hour-long education module on dual-use issues and to present it to the December meeting of States Parties. Li agreed that the two countries should hold more bilaterals in the near future, the Washington discussions were very useful. Any arrangements should be worked out through diplomatic channels.

¶40. (SBU) U.S.-China Experts Bilaterals. U.S. and Chinese experts met to discuss issues of biosafety/biosecurity, education and awareness-raising, and BWC and pathogen security legislation. In the area of biosafety and biosecurity training the Chinese said that all personnel working with dangerous pathogens are required to pass a certification exam before they can work with these agents. Without certification they are not allowed access to the organisms. The Chinese enacted a training law that ensures that dual-use pathogens are only used for peaceful purposes, that mandates a two-person rule for work with dangerous pathogens, and right to refuse to work with pathogens or procedures that require BSL-3 conditions in laboratories that are not certified at that level. In 2004 the government passed a law that mandates education on pathogen regulations at all universities and laboratories that work or train with dangerous microorganisms. They referred to this core training as "pathogen-centric." In the area of legislation, the PRC has criminalized the unauthorized and uncertified use, transfer, or possession of highly pathogenic microorganisms. On the question of high containment laboratories, at one point China listed over 100 BSL-3 laboratories, however, when they instituted a process for certifying these labs, only 16 were licensed and the others were downgraded. The Chinese experts and MFA representatives said there are no licensed BSL-4 labs in China.

¶41. (U) Cameroon. Having asked for assistance from the ISU to attend the Experts Meeting - and not receiving any - Cameroon, nevertheless, funded Magistrate Pauline Essome Siliki - who is in charge of implementing all treaty obligations, to participate as an observer in the full Experts session. (Note: While many Parties offer "assistance," paying for a non-State Party to come to Geneva for a week is a hard sell. End note.) ISU staff introduced Ms. Siliki to all three depositaries, the Chairman and the EU coordinator, as well as VERTIC, and garnered support for any assistance needed for accession to the BWC in short order. She is confident that membership in the Biodiversity Convention will allow for an efficient review of the BWC. Del member will be providing additional information and impetus to join soonest.

¶42. (U) Libya. Deloff Crittenberger met with UK (Dr. Miller) and Libyan Rep (Dr. Sharif) to review the possibility of tabling a working paper on their trilateral work on issues of relevance to the Experts Meeting. As Libya is still studying the draft paper, they agreed instead to give a short statement highlighting the cooperative efforts and signaling a paper would be tabled at the December meeting. The three also discussed issues related to the Trilateral Steering and Cooperation Committee's Bio Subcommittee.

¶43. (U) World Health Organization. DAS Ken Staley and Del member Greg Stewart met with Drs. May Chu and Alex Ross at the World Health Organization (WHO) and shared observations regarding the BWC Experts Meeting and noted an apparent disconnect between States Parties offering assistance in biosafety and biosecurity and those who might seek assistance. They asked if WHO could help to foster this connection in their work with developing countries. WHO

expressed interest and noted that they have compiled an extensive database of country specific requirements for the International Health Regulations (IHR); the database includes laboratory capacity and biosafety/biosecurity needs. Dr. Chu explained that the WHO was reorganizing the bureaucracy responsible for biosecurity assistance. Starting in mid-September, units responsible for laboratory biosafety/biosecurity, health surveillance and support, and ports of entry would be reporting to Dr. Chu's Office (currently the Office of Laboratory Core Capacity, likely renamed when the reorganization is announced). The groups reporting to Dr. Chu will share responsibility for implementing the 2005 International Health Regulations, with a particular focus on developing capacity in resource poor environments.

¶44. (U) WHO (continued) Participants agreed that the WHO and BWC participants all share common interests: all want to increase biosafety and biosecurity; BWC participants primarily because of security concerns, the WHO primarily because of health concerns as part of a larger health agenda. All agreed that cooperation between the WHO and BWC States Parties was possible and synergistic. Participants agreed to explore ways in which to collaborate in the near-term to ensure that available biosecurity assistance from the U.S. was targeted effectively and to explore opportunities to provide coordinated and comprehensive biosafety/biosecurity and laboratory capacity-building before the December, 2008 Meeting of States Parties.

¶45. (U) WHO (continued) Deloff Weller met with Dr. Ali Mohammadi (WHO) Dr. Mohammadi had suggested the meeting in response to Deloff's inquiry regarding subject matter expertise in sheep and goatpox endemicity and preventive measures in the Middle East region. Dr. Dilimi, present Director General of the Razi Vaccine and Serum Research Institute and who will be replacing Dr. Mohammadi, was also present. Dr. Dilimi provided a brochure describing the research being conducted at and biological products produced by the institute. Dr. Dilimi mentioned that they have the capability to do large animal challenge studies in completely contained isolation facilities with a wide array of animal pathogens. (Del note: most of the agents mentioned appear on the USG Select Agent List and Australia Group Control List for Animal Pathogen. End note).

Other Meetings

¶46. (U) Close Allies Lunch/2009 Chairman. As has become the tradition, Germany hosted a political-level lunch for the German, French, UK and U.S. delegations on the opening day. The only issue discussed in detail was the Canadian candidacy for BWC Chairman on behalf of the Western Group. (The candidate, Geneva-based Canadian Amb. Grinius, is not openly soliciting support, preferring to maintain WEOG cohesion, particularly as there are no other candidates at this time.) All had reviewed a detailed rationale for U.S. support of Canada based on their extensive work, and funding, within the G-8 Global Partnership on bioengagement with the FSU, and in leading international efforts for biosafety/biosecurity assistance. Canada also hosts a WHO Regional Center in Winnipeg which plays a key role in bringing scientists from many countries, such as Libya, to participate in exercises, etc. which allows access to Western scientists and practices they would not have access to otherwise. In addition, the Ambassador and his management in Ottawa have the interest, staff and demeanor to support being Chairman presiding over sensitive NAM issues on assistance. Canada also established a consultative group composed of those countries in the WEOG that are not EU or nuclear (JACKSNNZ). This group, to which the U.S. is invited, has proven very useful in offsetting the EU dominance of WEOG deliberations. The UK is very supportive of a Canadian Chairmanship, Germany supports as well. The French will poll other EU members for an official response, not expecting any country to come forth with a

candidate. EU members realize the benefit of having our candidate put forth early on.

¶47. (U) Coordination on BWC Legislation Efforts. Del Rep Mikulak chaired a prearranged meeting with all those involved in providing assistance on BWC implementing legislation. Experts from the UK, Australia, Germany and the U.S. were joined by UNSCR1540, VERTIC, SIPRI, ICRC, the Asia-Pacific Center/Melbourne Law School and ISU staff, as well as consultant Ralf Trapp, to share information about ongoing and future efforts. VERTIC, with four staff members, is undertaking very extensive efforts, having completed 45 detailed surveys of the legislation of countries of concern. They intend to complete 90 more in the next year. Priorities for interaction in capitals are the first 30 that have surveys complete; those in the Middle East; and those that have both a terrorist threat and a growing biotech sector. SIPRI is also active, focusing mainly on export controls, working with the State Department, in the Balkans. They have been pleased with the amount of progress made in legislating dual-use controls based on EU standards. They are leading EU pilot projects and technical assistance efforts. They have also been active in providing infectious disease "protections" focusing on work at the bench level, principal investigators and management at facilities in the Stockholm area. The EU is having "enormous problems" in getting member states to get implementation measures in place, as the U.S. has noted about Belgium for some years. SIPRI is particularly frustrated with the lack of Customs Department POCS in Europe.

¶48. (U) Germany has led EU Joint Action assistance visits to Peru and Nigeria with marked success. Olivia Bosch repeated her points made in the open session about the benefits of the UNSCR 1810 provision that allows 1540 staff to travel to capitals to assist with 1540 submissions. VERTIC will host a biosecurity seminar in Jordan in October where they hope to engage Middle Eastern officials. The ICRC has a "BWC Model Law" and "Sample Act on biosafety/security" as well as Fact Sheets on 1540 which others have found very useful. They have been working directly with Nigeria and in coordination with WHO in North Africa. This informal legislation group will provide feedback to VERTIC on any POCs they may have in the nearly 50 countries they are studying. The U.S. will begin an e-mail chain to allow information to be easily shared. Given propriety concerns, the group will all focus for now on the latest information for Jordan, Libya, Morocco and the Philippines and thus concentrate over time on specific actions and not share full databases. The group will meet again on the margins of the December States Parties meeting.

¶49. (SBU) G-8 Bioterrorism Experts Group (BTEX). Reps from several G-8 countries (Germany, Japan, US, UK, Canada) had a brief discussion, at German instigation, of future G-8 activities on bioterrorism. (Germans told U.S. Deloffs privately that they are concerned about ensuring that active work continue under the current Japanese G-8 chairmanship and subsequently under the Italians. Neither has been very engaged in previous BTEX workshops.) UK reps said that Britain values G-8 bioterrorism work, particularly in the areas of food defense, water contamination, and forensic epidemiology, and that on balance the work should remain under the Nonproliferation Directors Group (NPDG). Others generally agreed, but in some cases noted ruefully that their counter-terrorism sections tended to be relatively uninterested in bioterrorism. U.S. Deloffs also suggested that more attention be given in future activities to prevention aspects. Dels noted that BTEX has not had a policy-oriented discussion to plan future work since 2005. In response, the Japanese del agreed to consider convening such a discussion in Geneva on the margins of the Meeting of BWC States Parties in early December.

¶50. (U) CBM research project. Filippa Lentzos (London School of Economics) and Reto Wollenmann (Swiss del) met with Deloffs to brief on their project to analyze the usefulness of the existing CBMs in actually building confidence in

compliance. The researchers acknowledged the U.S. position that discussion on changes in CBMs should not begin until a year before the 2011 BWC Review Conference and stressed that they are simply preparing background material for those eventual discussions.

¶51. (SBU) Chile bilateral. Del rep Mikulak met with Chilean deputy CD del head Camillo Sanhueza and General de Brigada Sergio Gomez, the prospective head of the planned Chilean National Authority for the Biological Weapons Convention. Gomez briefed Mikulak on the legislation under consideration in the Chilean parliament and asked for U.S. assistance in planning and holding a regional workshop on "biosecurity" in spring 2009. He noted that this workshop would be much like the aborted workshop initially planned with help from U.S. experts in May 2008. Mikulak welcomed Chilean efforts to enact new legislation on biological weapons activities and explored possible topics. He undertook to provide a response as soon as possible after consulting colleagues in Washington.

¶52. (SBU) U.S.-Australia-Japan Trilateral Strategic Dialogue on Bioterrorism. Informal discussions were held on the margins of the plenary on tentative plans for the Bioterrorism Working Group of the U.S.-Australia-Japan Counterterrorism Trilateral dialogue to be held in Washington, October 2-3. Australia's Department of Foreign Affairs and Trade (DFAT) representative, Dr. Tony Willis, said that Australia's goal for the meeting is two-fold: to build upon the Bioterrorism Regional Workshop in Kuala Lumpur in May, 2008, possibly with advanced biosecurity-related training of law enforcement personnel; and to expand the dialogue to chemical security and possibly all WMD issues for trilateral cooperation on assistance in Southeast Asia. Willis reiterated Australian frustration with the Japanese in this Bioterrorism Working Group; however, during separate informal discussions with Japanese delegates from the CD in Geneva and the Department of Science and Technology, they felt a discussion on how to provide biosecurity legislative assistance trilaterally may also be worth exploration, given Japan's legislative experience in dealing with bioterrorism issues. Willis also expressed keen interest in formalizing U.S.-Australian bilateral biosecurity capacity-building projects in Indonesia, and possibly Pakistan; the latter due to the new Prime Minister Rudd's priority on expanding assistance beyond Southeast Asia and into South Asia.

¶53. (U) Request for assistance: Dr. Eltayeb A. Eltayeb Ali, Head, Institute of Radiobiology, Sudan Atomic Energy Commission, spoke with Deloff Weller (whom he had previously met at a workshop in Amman, Jordan). Dr. Ali said he would shortly provide information on Sudan's needs for biosafety/security training and risk assessments. Deloff said he would communicate Sudan's interest.

Conclusions and Recommendations on Biosecurity/Biosafety

¶54. (U) States Parties and other interested attendees broadly agreed that biosafety and biosecurity standards are important and should be implemented without delay. Since 2003, when biosafety and biosecurity were first discussed by the BWC Experts Meeting, considerable work has been done by governments, the private sector, NGOs and academia to develop standards and educational tools. The U.S. has assisted the World Health Organization to create biosecurity standards, which are now available to all WHO members. In addition, the Organization for Economic Cooperation and Development (OECD), working with the U.S. Department of State, has developed standards for biosecurity. Finally, numerous countries have passed legislation to ensure that all labs practice appropriate biosecurity. Many of the presentations at the Expert's Meeting focused on applying rational risk analyses to ensure that biosecurity standards were applied appropriately. While developed countries have made great strides to implement appropriate biosecurity measures, developing countries need some additional aid. In most cases the aid is really a way to connect labs and scientists in

countries with government and non-government organizations that might lend technical expertise.

¶55. (U) Despite the need for laboratory biosecurity in developing countries, existing aid funds have languished unused. In 2007-8, the EU set aside monies to assist 12 countries with biosecurity and legislation. Only two countries took advantage of the offers for assistance funding, the additional 10 went unspent, although the EU was not forward-leaning in giving this assistance. There were numerous States Parties at this year's Experts Meeting that, in good faith, requested additional information and or technical assistance related to biosecurity.

¶56. (SBU) As a result, Del recommends that Washington consider the following:

--Establishing a clearinghouse in the Implementation Support Unit for requests for technical assistance and offers to provide aid before the December meeting (on the basis that there would be no increase in U.S. costs or ISU staff);

--Including a statement along the following lines in the MSP summary: "We call on all countries that seek or request aid to utilize the informal and confidential mechanism established by the Implementation Support Unit during the fall of 2008."

-- Inviting WHO representatives to Washington to continue discussions on how available biosecurity assistance from the U.S. can be targeted effectively and coordinated with WHO's efforts to assist states in fulfilling the International Health Regulations. The goal of the discussions should be to develop an approach to providing coordinated and comprehensive biosafety/biosecurity and laboratory capacity-building before the December, 2008 Meeting of States Parties.

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Conclusions and Recommendations: Oversight, Education,
Awareness Raising, Codes of Conduct
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¶57. (U) States Parties and other interested attendees generally agreed that awareness raising and ethical training in the life sciences is useful and has the potential to reduce the risks inherent in dual-use research. Since 2005, when professional responsibility in the life sciences was first addressed by the BWC Experts meeting, considerable work has been done by governments, NGOs and academia to develop a rationale and training materials. Although the value of education and codes of conduct is clear, life sciences communities have not yet been effectively engaged. The burden largely falls on the scientific community but governments can encourage and facilitate this work. A number of States Parties (including representatives of academia present on delegations) made clear their desire for materials for graduate life science training.

¶58. (SBU) Although a number of efforts to develop such materials are underway, training efforts are scattered and have not yet taken hold. To gain global acceptance, a broad variety of training materials will likely have to be developed and made available. As a result, Del recommends that Washington consider the following:

--Jointly developing a short education module on dual-use issues with China for presentation to the December States Parties Meeting;

--Supporting the South Korean, Japanese and Latin American request for educational materials by translating the joint U.S.-Chinese educational module into Korean, Japanese and Spanish (as well as into the other UN official languages) Russian, Arabic and French);

--Including a statement along the following lines in the MSP report in December: "All graduate life sciences programs

should ensure that students are made aware of the BWC and the potential concerns associated with dual use research."

Conclusions and Recommendations: Other BWC Issues

¶59. (U) The gathering of States Parties, experts and nongovernmental groups also provided an opportunity to discuss other BWC issues. Numerous States Parties and NGOs referred to BWC implementing legislation in their presentations and these points were reinforced in a presentation by a 1540 staff member. In the BWC context, States Parties have been encouraged to enact legislation criminalizing biological weapons, especially since the initial Work Program was initiated in 2003. The work of the 1540 Committee to ensure that UN members enact penal legislation could advance BWC implementation; similarly, the work of many States Parties to enact criminal legislation against BW would help implement 1540 requirements. Unfortunately, there has been little interaction between the efforts of the 1540 committee and those States Parties due in part to restrictions on data-sharing between the 1540 Committee and UN Member States. Additionally, there is need to coordinate disparate databases, encourage cross talk and provide the ability to match those with needs to those who are willing to provide assistance. Furthermore, the most extensive database on legislation is held by VERTIC, a London-based NGO.

¶60. (SBU) There is no mechanism for routine information-sharing or collaboration on legislation among like-minded countries and organizations. As a result, Del recommends that Washington consider the following:

-- Ensuring that Amb. Avramchev, the 2008 BWC Chairman is invited to participate in the September meeting of the 1540 Committee;

-- Pursuing a UN-ISU arrangement that would allow the ISU and the 1540 Committee to more formally share information;

-- Exploring with the 1540 Committee, the ISU, VERTIC and others holding legislative databases ways in which the disparate databases on biological weapons-related legislation could be integrated and made available.

END TEXT OF PART TWO OF TWO.

ROCCA SENDS.
STORELLA